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| EXAMINER |
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LE, DINH THANH

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| ART UNIT | PAPER NUMBER |
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2816

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS | 03/02/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/596,027

Applicant(s)

MCCLURE, DAVID CHARLES

Examiner

DINH T. LE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-17 is/are allowed.
- 6) ☒ Claim(s) 18-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

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NON-FINAL REJECTION

The rejection as being based upon a defective reissue declaration under 35 U.S.C. 251 as set forth above. See 37 CFR 1.175 is withdrawn in view of the arguments presented in the Amendment.

Claim Rejections

Claim Rejections - 35 USC § 112

Claim 18-39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Correction or clarification is required.

In claim 18, it is not understood how the master latch and the slave latch can recognize the “predetermined level” of the power so it can performing loading and latching function since there is no structural relationship between the power and the latches is provided and how the recitation “integrated circuit”, “providing power”, “loading a first data bit”, “generating a second data bit”, “latching the first data bit” and “loading the second data bit” is read on the preferred embodiment. Insofar as understood, no such limitation is seen on the drawings. The same is true for claims 25 and 35.

In claims 21-22, it is unclear how the recitation “generating the second data bit” is read on the preferred embodiment. Insofar as understood, no such step is seen on the drawings.

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In claim 29, it is unclear how storing and loading steps can generate a “test signal” and how this limitation is read on the preferred embodiment or seen on the drawings. The same is true for claims 30, for reciting “generating a test signal” and “simulating an external clock signal” as recited in claims 31-34.

In claim 32, the recitation “leading” on line 2 and “storing” on line 5 is confusing because it is unclear if these are additional “loading” and “storing” or further recitation of the previously claimed “storing” and “loading” in claim 25. The same is true for claims 36-39.

The remaining claims are dependent from the above claims and therefore also considered indefinite.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 18, 20, 23-25 and 35-39 are rejected under 35 USC 102 (e) as being anticipated by Lee et al (US 5,493,530).

Regarding claims 18, 25-26 and 35, as the best construed, Lee et al discloses in Figure 9 a circuit comprising:

- an inherent power-on reset circuit for providing power to an integrated circuit;

- a first data bit (D) being loaded into a master latch (98) before the power attains a predetermined level that generates the signal PU/ at first state (low state 0), see lines 40-50, column 5, the master latch (98) being disposed on the integrated circuit;
- wherein the master latch (98) generates a second data bit from the first data bit and latches the first data bit (D) when the signal PU/ at a second state (high state); and
- a slave latch (99) loading the second data bit.

Regarding claim 20, wherein the master latch (98) generates the second data bit equal to the first data bit (D).

Regarding claims 23-24 and 36-39, wherein loading the first data bit (D) into the master latch (98) comprises simulating an external clock signal (CLK/, CLK) having a first clock state; and latching the first data bit (D) in the master latch (98) and loading the second data bit into the slave latch (99) comprise simulating the external clock signal (CLK/, CLK) having a second clock state, see Figure 9.

Allowable Subject Matter

Claims 1-17 are allowed.

Claims 19, 21, 22 and 27-34 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claims 19 and 27-34 are allowed because the prior art reference fails to suggest "causing the integrated circuit to enter a test mode before the power attains the predetermined level

Claim 21 is allowable because the prior art of record fails to suggest "wherein generating

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the second data bit comprises generating the second data bit equal to a complement of the first data bit”.

Claim 22 is allowable because the prior art of record fails to suggest “generating the second data bit before and after the power attains the predetermined level”.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DINH T. LE whose telephone number is (571) 272-1745. The examiner can normally be reached on Monday-Friday (8AM-7PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, TIMOTHY CALLAHAN can be reached at (571) 272-1740.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


DINH T. LE
PRIMARY EXAMINER

2/22/07